

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT WINCHESTER

UNITED STATES OF AMERICA	)	MATTICE/CARTER
	)	
v.	)	CASE NO. 4:12-CR-9
	)	
JOSEPH R. ABERNATHY	)	

**ORDER**

On May 22, 2012, Magistrate Judge William B. Mitchell Carter filed a Report and Recommendation recommending (a) the Court accept Defendant's plea of guilty to the lesser included offense in Count One of the Indictment, conspiracy to violate the Horse Protection Act, in violation of 18 U.S.C. § 371, 15 U.S.C. §§1824(I) and 1824(2)(B), in exchange for the undertakings made by the government in the written plea agreement; (b) the Court adjudicate Defendant guilty of the charges set forth in the lesser included offense in Count One of the Indictment; (c) that a decision on whether to accept the plea agreement be deferred until sentencing; and (d) Defendant shall remain on bond pending sentencing in this matter (Doc. 58).

Neither party filed an objection within the given fourteen days. After reviewing the record, the Court agrees with the magistrate judge's report and recommendation. Accordingly, the Court **ACCEPTS** and **ADOPTS** the magistrate judge's report and recommendation pursuant to 28 U.S.C. § 636(b)(1) and **ORDERS** as follows:

(1) Defendant's plea of guilty to the lesser included offense in Count One of the Indictment, in exchange for the undertakings made by the government in the written plea agreement, is **ACCEPTED**;

(2) Defendant is hereby **ADJUDGED** guilty of the charges set forth in the lesser included offense in Count One of the Indictment;

(3) A decision on whether to accept the plea agreement is **DEFERRED** until sentencing;  
and

(4) Defendant **SHALL REMAIN ON BOND** pending sentencing on **Monday,**  
**September 10, 2012, at 9:00 am.**

**SO ORDERED.**

**ENTER:**

/s/ Harry S. Mattice, Jr.  
HARRY S. MATTICE, JR.  
UNITED STATES DISTRICT JUDGE